

USDC SDNY



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**VIA ECF AND FACSIMILE (212) 805-0426**

Honorable Laura Taylor Swain  
United States District Judge  
500 Pearl Street  
New York, New York, 10007

RECEIVED

Re: **Mister Softee, Inc., et al. v. Tsirkos**  
Case No.: **14-CV-1975 (LTS)**

Lane Fisher\*

Jeffrey Zucker\*

F. Joseph Dunn\*

David J. Ailsman\*

Frank A. Reino\*

William Graefe, Jr.\*

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Max Staplin\*

Megan B. Center\*

Jarina D'Auria\*

\*member PA and NJ bars

\*member PA, NJ and NY bars

Dear Judge Swain:

I represent the Plaintiffs. I am writing regarding the final pretrial conference that is scheduled for June 8, 2015, at 4:30. As the Court is aware, on May 7, 2016, the Court ordered the clerk to enter a default on the docket against the Defendant Dimitrios Tsirkos ("Tsirkos") for failing to comply with Magistrate Judge Ronald Ellis' Order requiring Tsirkos to retain new counsel or indicate his intent to proceed pro se and provide an address where pleadings may be served on Tsirkos.

Furthermore, on May 26, 2015, this Court granted Plaintiffs permission to file a motion seeking to enter default judgment against Tsirkos. Today, Plaintiffs filed a motion for default judgment and to dismiss Tsirkos' counterclaims for lack of prosecution.

As a result of Tsirkos' default and the pending motion that may resolve this matter in it's entirety, I write to respectfully request the pre-trial conference scheduled for June 8, 2015, be adjourned.

I very much appreciate the Court's attention to this matter. I am available at the Court's convenience if the Court has any questions.

*The conference is adjourned to a  
control date of October 30, 2015,  
at 10:00AM. DE # 183 resolved.*

Respectfully submitted,

FISHER ZUCKER LLC

SO ORDERED:

*[Signature]* 6/4/15  
HON. LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE

/s/ Frank A. Reino  
Frank A. Reino

FAR:me

cc: Dimitrios Tsirkos (via regular mail)

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